

Message Text

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 IO-10

SAM-01 SAJ-01 ACDA-10 AID-05 /092 W

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P R 140536Z MAY 75

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC PRIORITY 37

INFO AMEMBASSY TOKYO

CINCPAC

UNCLAS SEOUL 3387

E.O. 11652: N/A

TAGS: PINT, KS

SUBJECT: TEXT OF NEW KOREAN EMERGENCY MEASURES

REF: SEOUL "76, SEOUL 3345

FOLLOWING IS ROKG "UNOFFICIAL" TRANSLATION OF PRESIDENTIAL
EMERGENCY MEASURES FOR SAFEGUARDING NATIONAL SECURITY AND
PUBLIC ORDER, PROMULGATED MAY 13, 1975.

- I, THE PRESIDENT OF THE REPUBLIC OF KOREA, BY VIRTUE OF THE
AUTHORITY VESTED IN ME BY ARTICLE 53 OF THE CONSTITUTION, AND
UPON DELIBERATION BY THE STATE COUNCIL, HEREBY PROCLAIM EMER-
GENCY MEASURES NO. 9 AS FOLLOWS:

ARTICLE 1. IT SHALL BE PROHIBITED FOR ANY PERSON TO ENGAGE
IN ANY OF THE FOLLOWING ACTS:

1. FABRICATING, DISSEMINATING FALSEHOOD OR MAKING FALSE
PRESENTATION OF FACT.
2. DENYING, OPPOSING, DISTORTING OR DEFAMING THE CONSTITUTION,
OR ASSERTING, PETITIONING, INSTIGATING OR PROPAGATING REVISION
OR REPEAL THEREOF, BY MEANS OF ASSEMBLY, DEMONSTRATION, OR BY
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USING MASS-COMMUNICATION MEDIA SUCH AS NEWSPAPERS, BROADCASTS
OR NEWS CORRESPONDENCE, OR BY MAKING DOCUMENTS, PICTURES, RECORDS
OR OTHER PUBLICATIONS.

3. ASSEMBLY, DEMONSTRATIONS OR OTHER ACTIVITIES BY STUDENTS WHICH INTERFERE WITH POLITICS, WITH THE EXCEPTIONS OF (A) CLASS-ROOM OR RESEARCH ACTIVITIES CONDUCTED UNDER GUIDANCE AND SUPERVISION OF SCHOOL AUTHORITIES, (B) ACTIVITIES CONDUCTED WITH PRIOR APPROVAL BY PRESIDENT OR PRINCIPAL OF SCHOOL, OR, (C) OTHER ORDINARY, NON-POLITICAL ACTIVITIES.

4. PUBLICLY DEFAMING THE PRESENT EMERGENCY MEASURES.

ARTICLE 2. IT SHALL BE PROHIBITED FOR ANY PERSON TO BROADCAST, REPORT OR OTHERWISE DISSEMINATE PUBLICLY THE CONTENT OF ACT OR ACTS WHICH VIOLATE ARTICLE 1 OF THE PRESENT EMERGENCY MEASURES; OR PRODUCING, DISTRIBUTING, SELLING, POSSESSING OR DISPLAYING PUBLICATIONS THE CONTENT OF WHICH VIOLATES ARTICLE 1 OF THE PRESENT EMERGENCY MEASURES.

ARTICLE 3. IT SHALL BE PROHIBITED FOR ANY PERSON, WITH INTENT TO PERPETRATE A PROPERTY FLIGHT, TO MOVE PROPERTY OR PROPERTIES OF THE REPUBLIC OF KOREA OR OF ITS NATIONALS TO FOREIGN COUNTRY; OR TO CONCEAL OR DISPOSE, IN FOREIGN COUNTRY, PROPERTY OR PROPERTIES WHICH IS DUE TO BE INTRODUCED INTO THE REPUBLIC OF KOREA.

ARTICLE 4. IT SHALL BE PROHIBITED FOR ANY PERSON TO OBTAIN EMIGRATION PERMIT OR TO ESCAPE TO FOREIGN COUNTRY, BY MEANS OF ENTERING FALSE INFORMATION IN APPLICATION DOCUMENT OR BY OTHER IMPROPER MEANS.

ARTICLE 5. THE MINISTER IN CHARGE MAY ISSUE ORDERS OR TAKE MEASURES, TO VIOLATORS OF THE PRESENT EMERGENCY MEASURES, TO SCHOOL, ORGANIZATION OR COMPANY TO WHICH THE VIOLATOR IS ATTACHED AT THE TIME OF VIOLATION, OR TO ITS REPRESENTATIVE OR HEAD, AS FOLLOWS:

1. ISSUING ORDER DIRECTED TO REPRESENTATIVE OR HEAD OF SCHOOL, ORGANIZATION OR COMPANY, REQUIRING DISMISSAL OR EXPULSION OF ITS OFFICERS, TEACHERS OR STUDENTS.

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2. DISMISSAL OR EXPULSION OF REPRESENTATIVE, HEAD, OFFICERS, TEACHERS OR STUDENTS.

3. BANNING OF BROADCASTING, REPORTING, PRODUCING, SELLING OR DISTRIBUTING.

4. SUSPENSION OF ACTIVITY, CLOSING OF SCHOOL, SUSPENSION OF PUBLICATION, DISCONTINUANCE OF PUBLICATION, DISBANDMENT OR SHUT-DOWN.

5. REVOCATION OF APPROVAL, REGISTRATION, PERMISSION, AUTHORIZATION OR LICENSE.

ARTICLE 6. THE PROHIBITION UNDER THE PRESENT EMERGENCY MEASURES SHOULD NOT BE CONSTRUED TO PROVIDE PUNISHMENT TO MEMBERS OF THE NATIONAL ASSEMBLY FOR THEIR OPINIONS OFFICIALLY EXPRESSED IN THE NATIONAL ASSEMBLY: PROVIDED HOWEVER, THAT THIS EXEMPTION DOES NOT COVER A PERSON WHO BROADCASTS, REPORTS OR OTHERWISE DISSEMINATES PUBLICLY THE SAID OPINION.

ARTICLE 7. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THE PRESENT EMERGENCY MEASURES AND ANY PERSON WHO DOES NOT OBSERVE MEASURES TAKEN BY THE MINISTER IN CHARGE BY THE AUTHORITY OF THE PRESENT EMERGENCY MEASURES, SHALL BE PUNISHED BY IMPRISONMENT FOR THE PERIOD OF NOT LESS THAN 1 YEAR. SUSPENSION OF QUALIFICATION FOR THE PERIOD OF NOT MORE THAN 10 YEARS SHALL BE CONCURRENTLY IMPOSED. ANY ATTEMPT, PREPARATION OR CONSPIRACY TO COMMIT VIOLATION OF THE PRESENT EMERGENCY MEASURES SHALL BE PUNISHED IN THE SAME MANNER.

ARTICLE 8. ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THE PRESENT EMERGENCY MEASURES, AND ANY PERSON WHO DOES NOT OBSERVE MEASURES TAKEN BY THE MINISTER IN CHARGE BY THE AUTHORITY OF THE PRESENT EMERGENCY MEASURES, SHALL BE SUBJECTED TO ARREST, DETENTION, SEARCH OR SEIZURE, WITHOUT WARRANT THERETO.

ARTICLE 9. ANY GOVERNMENT OFFICIAL OR OFFICER OF GOVERNMENT-MANAGED ENTERPRISES, WHO VIOLATES, AFTER THE PRESENT EMERGENCY MEASURES BECOMES EFFECTIVE, THE PROVISION OF ARTICLE 2 OF "THE LAW PROVIDING AGGRAVATED PUNISHMENT AGAINST SPECIFIC TYPES OF UNCLASSIFIED

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CRIMES" (LAW NO. 1744 OF FEBRUARY 2, 1966, AS REVISED ON FEBRUARY 24, 1973) WHICH PROVIDES AGGRAVATED PUNISHMENT TO THE CRIMES OF BRIBERY, OR ANY GOVERNMENT ACCOUNTANT WHO VIOLATES ARTICLE 5 OF THE SAID LAW WHICH PROVIDES AGGRAVATED PUNISHMENT TO ACTS INCURRING LOSS TO NATIONAL TREASURY, SHALL BE PUNISHED, IN ADDITION TO PUNISHMENTS SET FORTH IN EACH ARTICLE OF THE SAID LAW, BY FINE, EQUIVALENT TO 10 TIMES OF THE AMOUNT TAKEN IN BRIBERY OF AMOUNT OF LOSS INCURRED TO NATIONAL TREASURY.

ARTICLE 10. VIOLATION OF THE PRESENT EMERGENCY MEASURES SHALL BE TRIED AND SENTENCED IN CIVILIAN COURTS.

ARTICLE 11. MATTERS WHICH ARE DEEMED NECESSARY TO ENFORCE THE PRESENT EMERGENCY MEASURES SHALL BE PROMULGATED BY THE MINISTER IN CHARGE.

ARTICLE 12. THE MINISTER OF NATIONAL DEFENSE MAY ASSIST THE MAYOR OF SEOUL, THE MAYOR OF PUSAN AND PROVINCIAL GOVERNORS, IF REQUEST FOR MOBILIZATION OF THE ARMED FORCES IS MADE FOR THE PURPOSE OF MAINTAINING PUBLIC ORDER.

ARTICLE 13. ORDERS ISSUED OR MEASURES TAKEN BY THE MINISTER IN CHARGE BY THE AUTHORITY OF THE PRESENT EMERGENCY MEASURES SHALL

NOT BE SUBJECTED TO JUDICIAL REVIEW.

ARTICLE 14. THE PRESENT EMERGENCY MEASURES SHALL BE EFFECTIVE
FROM 15:00 HOURS MAY 13, 1975.
SNEIDER

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<< END OF DOCUMENT >>

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